

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,
Plaintiff,

v.

2018 BUGATTI CHIRON
(VIN#VF9SP3V34JM795083),
Defendants,

and

KEVIN THOBAS & GOLDEN EXOTICS LLC,
Claimants.

CIVIL No. 23-1392 (MDM)

MINUTE

On September 5, 2024, at 9:00AM, the case was called for a Third Settlement Conference in the virtual chambers of U.S. Magistrate Judge Marshal D. Morgan. AUSA Myriam Y. Fernández-González appeared on behalf of the plaintiff and Berwin Cohen, Jonathan Edderai and Natalia Eugenia Del Nido-Rodríguez appeared on behalf of the *in-rem* defendant and the claimants.

AUSA Fernández informed that the agencies in charge of this forfeiture action still have not made a final decision regarding settlement in this case. They have however recognized that what plaintiff is suggesting is in the nature of a constructive seizure. A constructive seizure is a type of seizure that occurs when law enforcement officers take control of property that is not physically present but is still considered to be under the control of the owner. This type of seizure is based on legal authority rather than physical control. Through a constructive seizure, the claimant could be permitted to maintain and use the asset but that the government would be able to impose certain conditions like, for example, not removing it from the country, not selling it, and not secreting it away during the pendency of the forfeiture action, among others.

Encouraged by the discussion, the Court indicated that it would like to exhaust the possibility of settlement before plowing chest deep into discovery and motions to dismiss. In that vein, the Court **ORDERED** the government to provide the defendants with a **list of conditions** that it would like to see as part of a constructive seizure agreement for the asset in this case. Such list of conditions shall be provided to the defendants **by on or before Monday, September 16, 2024**. The defendants can feel free to respond to the proposed list of conditions, if necessary. Then, on September 25, 2024, the Court will hold a fourth settlement conference, during which the parties will discuss settlement together with the assistance of the Court. The government was **ORDERED** to have a representative present during the next settlement conference who has the ability to approve any settlement agreement or proposed constructive seizure agreement.

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The government was also **ORDERED** to provide by Monday, September 16, 2024, any maintenance records for the Bugatti Chiron that is the subject of this forfeiture proceeding.

The Court hereby sets a Fourth Settlement and Scheduling Conference for Wednesday, September 25, 2024, at 9:00AM in the virtual chambers of U.S. Magistrate Judge Marshal D. Morgan. The government shall have a representative present during the next video conference who can approve any settlement agreement or proposed constructive seizure agreement.

In San Juan, Puerto Rico, this 5th day of September 2024.

s/Marshal D. Morgan
MARSHAL D. MORGAN
United States Magistrate Judge

Conference began at 9:02AM
Conference ended at 10:10AM